

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 28 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

ALEJANDRO JAVIER SOLIS-UMANA,

Petitioner,

v.

ALBERTO R. GONZALES,
Attorney General,

Respondent.

No. 03-74032

Agency No. A35-594-662

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 26, 2006**
Pasadena, California

Before: FERNANDEZ, RYMER, and CLIFTON, Circuit Judges.

Alejandro Javier Solis-Umana, a native and citizen of Costa Rica, petitions for review of the Board of Immigration Appeals' affirmance without opinion of the

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Immigration Judge's ("IJ") order denying his request for cancellation of removal. We deny the petition.

The Government argues that Solis-Umana cannot bring a cognizable procedural due process claim in connection with his removal hearing because he has no protected liberty interest in obtaining the ultimate relief sought: the favorable exercise of the Attorney General's discretion in cancelling removal. It is well settled in this circuit, however, that aliens have a right to a full and fair removal hearing and may bring procedural due process claims alleging that they were denied this right. *See Ramirez-Alejandre v. Ashcroft*, 319 F.3d 365, 380 (9th Cir. 2003) (en banc). Accordingly, we proceed to the merits of Solis-Umana's claim.

Solis-Umana has failed to show that the IJ's conduct violated his due process rights. There is no evidence that the IJ was predisposed to deny Solis-Umana relief from removal. His manner of questioning Solis-Umana, while arguably snide and sarcastic at times, did not rise to the level of a procedural due process violation. *Cf. Antonio-Cruz v. INS*, 147 F.3d 1129, 1131 (9th Cir. 1998); *Melkonian v. Ashcroft*, 320 F.3d 1061, 1072 (9th Cir. 2003). The IJ also did not prevent Solis-Umana from presenting the testimony of his two witnesses. Rather, Solis-Umana's own counsel voluntarily proffered the witnesses' written statements

in lieu of oral testimony, acknowledging that oral testimony would be unnecessary and cumulative. *Cf. Kaur v. Ashcroft*, 388 F.3d 734, 737 (9th Cir. 2004).

Moreover, even if the IJ had violated his procedural due process rights, Solis-Umana has not shown that these alleged violations prejudiced him by potentially affecting the outcome of the proceedings. *See Cano-Merida v. INS*, 311 F.3d 960, 965 (9th Cir. 2002). In short, the IJ did not deprive Solis-Umana of a full and fair removal hearing.

PETITION DENIED.